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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Cung Le, Nathan Quarry, and Jon Fitch,
Brandon Vera, Luis Javier Vazquez, and Kyle
Kingsbury, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

Defendant.

No.: 2:15-cv-01045-RFB-(PAL)

PLAINTIFFS' EMERGENCY MOTION FOR
A LETTER OF REQUEST FOR
DOCUMENTS FROM GROUP ONE
HOLDINGS PTE. LTD.

REDACTED PUBLIC COPY

1 **I) INTRODUCTION**

2 Plaintiffs seek a Letter of Request to be issued to Group One Holdings Pte, Ltd, which operates a
3 Mixed Martial Arts (“MMA”) promotion entitled One Championship, formerly known as One Fighting
4 Championship or One FC (“One Championship”).

5 In this litigation, Zuffa has obtained a declaration from an executive of One Championship—
6 who resides in and works from the United States—stating that One Championship [REDACTED]
7 [REDACTED] Plaintiffs allege that all other MMA promotions, including One Championship, are effectively
8 “minor leagues” and do not truly compete with Zuffa. *See* Dkt. No. 208 at ¶ 140. As one might imagine,
9 certain MMA promotions would like to present themselves to the outside world as “big league” MMA
10 promoters, when the truth is either that promotions like One Championship are not anywhere near the
11 level of the UFC and even if they do compete with the UFC, do so only at the fringes. Plaintiffs seek
12 production of One Championship’s financial income statements in order to prove their allegation that
13 One Championship does not truly compete with Zuffa and/or is a fringe player.

14 Plaintiffs have conferred with counsel for One Championship and have not been able to resolve
15 this dispute. *See* Declaration of Kevin E. Rayhill (“Rayhill Decl.”), ¶¶ 4-5. Plaintiffs have also conferred
16 with counsel for defendant Zuffa, LLC (“Zuffa”) and counsel confirmed that Zuffa takes no position
17 regarding this emergency motion and will not be filing a response. *See* Rayhill Decl., ¶ 6, Ex. 1.
18 Accordingly, this brief and related documents will be the only documents relating to Plaintiffs’ motion
19 for a letter of request to be filed with the Court, meaning briefing will be complete upon filing of these
20 documents.

21 **II) BACKGROUND**

22 On May 10, 2017, Plaintiffs received documents One Championship had produced to Zuffa.
23 These documents include a declaration submitted by One Championship’s VP of Operations and
24 Competition Matt Hume, as well as other information about One Championship’s bouts. Among other
25 things, Mr. Hume stated [REDACTED]

26 [REDACTED] *See* Rayhill Decl., Ex.

As the Court has recognized, Zuffa's production of documents from One Championship later in discovery warrants further discovery by Plaintiffs, as stated in the joint Proposed Agenda for the June 1, 2017 Status Conference. ECF No. 418 at 7. During the Status Conference, this Court approved new discovery to be issued to One Championship. *See* June 1, 2017 Hearing Tr. at 112:24-113:12, 114:1-4.

Counsel for One Championship has taken the position that the Court has not authorized discovery to proceed against One Championship, and has stated that it will not accept service on behalf of One Championship. Rayhill Decl., Ex. 3. Counsel for One Championship maintains this position even after being shown the transcript from the June 1 hearing, where the Court authorizes discovery to proceed with respect to One Championship. *Id.* Accordingly, Plaintiffs ask the Court's assistance in effecting service on One Championship in Singapore.

Although its key executive Matt Hume is located in Washington State, One Championship is headquartered in Singapore. In order to facilitate service directly on One Championship in Singapore, Plaintiffs seek a Letter of Request to issue from this Court, pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Convention"), to which both the United States and Singapore are signatories. *See* Rayhill Decl., Ex. 4 (the Hague Convention); Ex. 5 (Singapore Central Authority and Practical Information). Plaintiffs have completed a letter of request based on the model letter of request provided by the Hague Convention (available at <https://www.hcch.net/en/publications-and-studies/details4/?pid=3309>).

Issuance of this letter of request will enable Plaintiffs to carry out the discovery authorized by this Court. Plaintiffs have prepared a letter of request for this Court to issue or modify as it sees fit, attached hereto as Attachment A.

III) ARGUMENT

a) Legal Standard

"A U.S. District Court is a competent judicial authority and is authorized to issue Letters of Request to foreign or international tribunals." *Multimedia Patent Tr. v. Apple Inc.*, No. 10-CV-2618-H, 2012 U.S. Dist. LEXIS 192123, at *12 (S.D. Cal. July 27, 2012) ("*Multimedia*"). The Hague Convention "is the law of the United States with the same force and effect of a federal statute." *Id.* at *8. "By acceding to and ratifying the Hague Convention, States agree to receive Letters of Request to obtain

evidence if the request comes from a judicial authority competent to execute them.” *Id.* A letter of request is an appropriate means of pursuing discovery where the “information is needed in order to properly prepare for and present [a party’s] case at trial.” *Id.* at *13. Courts in the Ninth Circuit have “appl[ie]d the rule that letters of rogatory shall issue unless good cause is shown otherwise.” *Evanston Ins. Co. v. OEA, Inc.*, No. CIV S-02-1505 DFL PAN, 2006 U.S. Dist. LEXIS 42068, at *8 (E.D. Cal. June 13, 2006). *See also* Wright, Miller & Marcus, *Federal Practice & Procedure* (1994), § 2083 (“There are still cases in which it may be proper to refuse the issuance of a commission or letters rogatory, but there must be some good reason to deny a party the particular type of judicial assistance it seeks.”).

A letter of request which seeks documentary evidence must identify: the authority requesting its execution, the authority requested to execute it, the names and addresses of the parties and their representatives, the nature of the underlying proceedings, and the evidence to be obtained. *Multimedia*, 2012 U.S. Dist. LEXIS 192123, at *10 (quoting the Hague Convention). *See* Rayhill Decl., Ex. 4, Art. 3. Plaintiffs’ letter of request, attached hereto as Attachment A, contains all of these elements.

The Republic of Singapore does not allow open-ended requests for pre-trial discovery. Requests must be for “particular documents specified in the Letter of Request as being documents appearing to the requested court to be, or to be likely to be, in his possession, custody or power.” Rayhill Decl., Ex. 6 (Singapore Declaration). Plaintiffs have narrowly tailored their letter of request to conform to this specification, seeking only quarterly financial statements similar to those this Court has ordered other third party promoters to produce. *See* ECF No. 429 at 4-5.

b) One Championship’s Quarterly Financial Data is Important for Plaintiffs to Properly Prepare for and Present Their Case at Trial.

One of the central allegations in Plaintiffs’ Consolidated Amended Complaint is that Zuffa has few, if any, real competitors in the market for promoting live Elite Professional MMA bouts:

As part of the anticompetitive scheme alleged herein, the UFC has acquired, driven out of business, foreclosed the entry of, and/or substantially impaired the competitiveness of multiple actual and potential MMA Promotion rivals. As a result, the only remaining promoters of MMA bouts are either fringe competitors—which, as a general matter, do not and cannot successfully compete directly with the UFC—or entities that have essentially been conscripted by the UFC, through the scheme alleged herein, into acting as the UFC’s “minor leagues,” developing talent for the UFC but not competing directly with it.

ECF No. 208 ¶ 7.

In an attempt to counter this allegation, Zuffa has held out One Championship as a true competitor. For example, in draft filings for the FTC, Zuffa stated that One Championship [REDACTED] [REDACTED] Rayhill Decl. Ex. 7 (ZFL-1471125). Zuffa contends that One Championship [REDACTED] [REDACTED] *Id.* at 136. Similarly, UFC Chairman Lorenzo Fertitta stated at his deposition that One Championship [REDACTED]. Rayhill Decl., Ex. 8 (Fertitta Depo. Tr. at 125:23-126:10).

One Championship Vice President of Operations and Competition Matt Hume has attempted to reinforce this story line, stating in a declaration that One Championship [REDACTED] [REDACTED] Rayhill Decl., Ex. 2.

These statements bear directly on Plaintiffs' allegations. Plaintiffs seek One Championship's financial statements in order to test and counter these statements by showing that One Championship does not compete directly with Zuffa in terms of its revenues or its fighter purses (or if it does, competes only at the fringes), and to establish the relevant market in both the market for promoting live Elite Professional MMA bouts and the market for purchasing the services of Elite Professional MMA Fighters.

Plaintiffs have served a document subpoena on One Championship c/o Matt Hume, but counsel for One Championship has refused to accept service, stating that this Court has no jurisdiction over One Championship because it is based in Singapore. *See* Rayhill Decl, Ex. 3. Accordingly, a letter of request is Plaintiffs' only option for obtaining documents from One Championship.

IV) **CONCLUSION**

For the reasons stated above, Plaintiffs respectfully ask this Court to issue a letter of request to third party One Championship.

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1 DATED: June 20, 2017

Respectfully Submitted,
JOSEPH SAVERI LAW FIRM, INC.

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3 By: /s/Kevin E. Rayhill
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2017, true and correct copies of the documents listed below were served via the United States District Court CM/ECF system and electronic mail on all parties or persons requiring notice.

- **PLAINTIFFS' MOTION FOR A LETTER OF REQUEST FOR DOCUMENTS FROM GROUP ONE HOLDINGS PTE. LTD.**
- **LETTER OF REQUEST FOR DOCUMENTS FROM GROUP ONE HOLDINGS PTE. LTD.**
- **DECLARATION OF KEVIN E. RAYHILL IN SUPPORT OF PLAINTIFFS' MOTION FOR A LETTER OF REQUEST FOR DOCUMENTS FROM GROUP ONE HOLDINGS PTE. LTD. AND RELATED EXHIBITS.**

By:

/s/ Kevin E. Rayhill

Kevin E. Rayhill